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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,790	09/21/2000	Jan Slomianny	200-19	1128
7590 04/29/2004				
J. Rodman Steele Jr. Akerman Senterfitt Post Office Box 3188 West Palm Beach, FL 33402-3188			EXAMINER NGUYEN, JUDY	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/646,790	<b>Applicant(s)</b> SLOMIANNY ET AL.	
	<b>Examiner</b> Judy Nguyen	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) 16, 17 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of species I in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 16, 17, and 23 are directed to non-elected species II and III, accordingly, claims 16, 17, and 23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 02/19/2004 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the printhead 44 connects to bottle 38 as illustrated by the proposed Figure 2. In addition, the original claim 7 states that "an inkjet printer with two or more reservoir bottles with various fluid, the reservoir bottles are mechanically formed in

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different ways and that the insertion of a bottle at a placed assigned to another bottle is mechanically hindered". This statement is contradicted with the proposed Figure 2 where there are two reservoir bottles appear to be identical to each other.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: means are provided to delete the information stored in the memory when a new reservoir bottle is inserted into the printer (claim 19).

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 21 (depended claim) and 22 have been renumbered 22 and 23, respectively.

### ***Claim Rejections - 35 USC § 112***

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The "means" recited in claim 19 is new matter because it was not recited in the original specification. The original claim 6 merely recited that the data are preferably deleted when a new reservoir bottle is inserted. There was no recitation regarding to any one or more "means" used to perform the preferred action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 9-11, 14, 15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz-Urbe et al (US 4,342,042) in view of Yoshimura et al (US 6,019,461) and Childers et al (US 6,375,301).

Cruz-Urbe et al discloses the following features of the claimed invention:

- A computer (see the control system illustrate in Figure 2) for controlling an operational process of the printer
- At least one reservoir bottle (1)
- An intermediate container (10)
- A suction pipe (between 1 and 2) and a pump (2)
- A sensor arrangement (14).

However, Cruz-Urbe et al does not disclose the followings:

- The reservoir bottle is exchangeable
- An externally visible label provided on the reservoir bottle which carries coded information about the fluid contained in the reservoir bottle
- Means for feeding the label information into the computer when the reservoir bottle is inserted into the printer
- A test program provided in the computer that checks the label information and that only allows normal operation when at least one selected test criterion is acceptable

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- The computer has a time unit that produces an internal date and this internal date is compared with the date indicated on the label
- The computer has a memory in which the information from the label is stored
- Means are provided to delete the information stored in the memory when new reservoir bottle is inserted into the printer.

Nevertheless, Yoshimura et al discloses the followings:

- A reservoir container (3) is exchangeable (column 1, lines 15-16; column 2, line 56)
- An element (4) provided on the reservoir container which carries coded information about the fluid contained in the reservoir container
- Means (4b) for feeding information into the computer (5) when the reservoir container (3) is inserted into the printer
- A test program provided in the computer (5) that checks the information and that only allows normal operation when at least one selected test criterion is acceptable (column 3, lines 4-23)
- The computer has a time unit that produces an internal date and this internal date is compared with the date indicated on the coded information element (column 4, lines 44-50)
- The computer has a memory in which the information from the information-coded element is stored (column 3, lines 39-42).

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While, Childers et al discloses the following:

- Various equivalent types of elements carrying coded information including the externally visible label such as a bar code (column 1, lines 24-27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reservoir bottle of Cruz-Uribe et al with the aforementioned features taught by Yoshimura et al for the purposes of continually providing ink to the print head and preventing the users from using the wrong cartridge having unsuitable ink quality.

In addition, because externally visible label such as a bar code was art-recognized equivalent for element carrying coded information at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the element carrying coded information of Yoshimura et al with the externally visible label as discloses by Childers et al for the purpose of storing information about the container from which the element or the label is attached therefrom.

Please note that functions and characteristics of the aforementioned claimed elements are clearly described in the references.



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Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz-Uribe et al, Yoshimura et al, and Childers et al as applied to claims 9-11, 14, 15, 18-20 above, and further in view of Duffield et al (US 4,432,005).

Cruz-Uribe et al as modified discloses all basic elements of the claimed invention and further include the following:

- The intermediate container (10) having a volume of about 6.5 ml (Cruz-Uribe et al; column 5, lines 46-48).

However, Cruz-Uribe et al as modified does not disclose the following:

- The volume of the reservoir bottle being more than six or ten times the volume of the intermediate container.

Nevertheless, Duffield et al discloses the following:

- A volume of a reservoir container (14c) having 100 cubic centimeters of ink which is more than six or ten times the volume of the intermediate container.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reservoir container with the volume of more than six or ten times the volume of the intermediate container as taught by Duffield et al in the teaching of Cruz-Uribe et al for the purpose of operating the printer for an acceptable period without replenishing the ink supply.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz-Urbe et al in view of Yoshimura et al, Childers et al, and Moriyama et al (US 6,050,680).

Cruz-Urbe et al discloses the following features of the claimed invention:

- A computer (see the control system illustrate in Figure 2) for controlling an operational process of the printer
- At least one reservoir bottle (1)
- An intermediate container (10)
- A suction pipe (between 1 and 2) and a pump (2)
- A sensor arrangement (14).

However, Cruz-Urbe et al does not disclose the followings:

- The reservoir bottle is exchangeable
- An externally visible label provided on the reservoir bottle which carries coded information about the fluid contained in the reservoir bottle
- Means for feeding the label information into the computer when the reservoir bottle is inserted into the printer
- A test program provided in the computer that checks the label information and that only allows normal operation when at least one selected test criterion is acceptable

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- The computer has a time unit that produces an internal date and this internal date is compared with the date indicated on the label
- The computer has a memory in which the information from the label is stored
- Means are provided to delete the information stored in the memory when new reservoir bottle is inserted into the printer
- There are two exchangeable reservoirs bottles, one is filled with solvent and the other is filled with pigment.

Nevertheless, Yoshimura et al discloses the followings:

- A reservoir container (3) is exchangeable (column 1, lines 15-16; column 2, line 56)
- An element (4) provided on the reservoir container which carries coded information about the fluid contained in the reservoir container
- Means (4b) for feeding information into the computer (5) when the reservoir container (3) is inserted into the printer
- A test program provided in the computer (5) that checks the information and that only allows normal operation when at least one selected test criterion is acceptable (column 3, lines 4-23)
- The computer has a time unit that produces an internal date and this internal date is compared with the date indicated on the coded information element (column 4, lines 44-50)

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- The computer has a memory in which the information from the information-coded element is stored (column 3, lines 39-42).

While, Childers et al discloses the following:

- Various equivalent types of elements carrying coded information including the externally visible label such as a bar code (column 1, lines 24-27).

And, Moriyama et al discloses the following:

- Two exchangeable reservoirs containers, one (60) is filled with solvent and the other (6) is filled with pigment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reservoir bottle of Cruz-Urbe et al with the aforementioned features taught by Yoshimura et al for the purposes of continually providing ink to the print head and preventing the users from using the wrong cartridge having unsuitable ink quality.

In addition, because externally visible label such as a bar code was art-recognized equivalent for element carrying coded information at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the element carrying coded information of Yoshimura et al with the externally visible label as

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discloses by Childers et al for the purpose of storing information about the container from which the element or the label is attached therefrom.

Furthermore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the ink supply of Cruz-Uribe et al be provided with two reservoir containers as taught by Moriyama et al the purposes of providing a mixture of ink for selective ejection.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy Nguyen whose telephone number is (571) 272-2258. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Judy Nguyen  
Primary Examiner  
April 23, 2004